



**Lewis
Baach
Kaufmann
Middlemiss**
PLLC

December 29, 2017

VIA ECF

Hon. Frederic Block, U.S.D.J.
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Certain Underwriters v. Nat'l RR Pass'r Corp.*, ECF Case 14-CV-04717-FB-RLM

Dear Judge Block:

Amtrak's assertion that *Olin v. INA*, 221 F.3d 307 (2d Cir. 2000) "is no longer good law" is untrue. As explained in *Liberty Mut. Fire Ins. Co. v. J&S Supply Corp.*, No. 13-CV-4784 (VSB), 2017 WL 4351523, at *2 (S.D.N.Y. Sept. 29, 2017), *Olin v. INA* is the law except for policies containing prior insurance and non-cumulation provisions. The London policies contain no such provisions. Therefore, in *J&S Supply*, as here, the insured's citation to *Olin v. OneBeacon* "is unavailing." *Id.* *Olin v. INA* is directly on point, and controlling.

Amtrak also asserts that fifteen other cases rejecting the reduction of SIRs are all based on "outdated law." This contention, made without explanation or supporting authority, is also wrong. Amtrak's other arguments are similarly incorrect.

Respectfully submitted,

/s/

Joseph L. Ruby

Mark J. Leimkuhler (*pro hac vice*)

Aisha E.R. Bembry (*pro hac vice*)

cc: All Counsel of Record (via ECF)